COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: January 10, 2014
FILE NO:

OFFICE CORRESPONDENCE

FROM: BOBBY D. DENHAM, COMMANDER
NORTH PATROL DIVISION

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2319642
Incident:	Hit Shooting
Incident Date:	August 29, 2012
Unit:	Major Crimes Bureau
Suspect:	Anthony M. Axe, MH/05-25-78
Involved Employees:	Deputy [redacted] #[redacted]
EFRC Date:	January 9, 2014

The Executive Force Review Committee (EFRC) consisting of Commanders Bobby Denham, Stephen Johnson, and Ralph Webb met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Law Enforcement officers may use deadly force in self-defense or in the defense of others only when they reasonably believe death or serious physical injury is about to be inflicted upon themselves or others.

FINDINGS:

Members of the Parole Compliance Team were looking for Suspect Anthony Axe who was wanted in connection with an Assault with a Deadly Weapon case by Operation Safe Street Bureau. In addition, the suspect was wanted for a no bail warrant for a parole violation. The assistance of Major Crimes Bureau was requested in the search for the suspect.

Major Crimes Bureau's surveillance team, working in conjunction with the Homicide Gang Task Force, began to actively look for the suspect. They located the suspect in the area of Wilmington Avenue and Main Street at a Chevron Station by tracking his cell phone. The suspect was positively identified by a member of the surveillance team while he was stopped at the service station. The surveillance team sergeant notified another sergeant to activate his team to take the suspect into custody.

Pending the arrival of that Sergeant and his arrest team, the surveillance team followed the suspect along surface streets and the Harbor Freeway to 21200 South Figueroa Street in Carson. As he drove, the suspect's driving pattern was consistent with counter surveillance techniques, by making abrupt lane changes.

Members of the arrest team arrived within seconds of each other. They verified the identity of the suspect and relayed the information to their sergeant, who was not yet on scene.

With the approval of the sergeant, the team leader of the arrest team initiated a plan to take the suspect into custody. They planned to take the suspect into custody before he entered his motorhome and could drive away. To prevent the suspect from driving away, the team leader was going to utilize his car to block the front of the motorhome, as another detective would activate his emergency lights on his car to the rear of the motorhome.

Before they could move into position, the suspect had entered the motorhome. The team leader used his car to block the front end of the motorhome. He exited his car and moved to the sidewalk to avoid being struck by traffic. One of the detectives activated his lights and positioned his truck to the rear of the motorhome off-setting his truck to the left. A second detective joined the first detective at his truck, then moved to the driver's side of the motorhome to assist in preventing the suspect's escape and to support the team leader.

The detective and team leader gave the suspect verbal commands to stop and show his hands. The suspect verbally refused several times and proceeded to place the motorhome into reverse and quickly backed into the detective's truck. The detective next to the truck quickly moved to prevent being struck by the motorhome. The suspect placed the motorhome in drive and proceeded to make a left turn in the direction of the second detective on the driver's side of the motorhome. The team leader believed the second detective was going to be struck by the motorhome and fired two rounds at the suspect striking him in the torso.

After the shooting, the suspect's motorhome continued across Figueroa Street crashing into a block wall. The motorhome was contained by deputy personnel and a plan to breech the motorhome to render aid to the suspect or to take him

into custody was implemented. The motorhome was eventually breeched and the suspect was placed in handcuffs without incident.

Paramedics from the Los County Fire Department, who were staged nearby, rendered aid to the suspect at the scene. He was transported to Harbor General Hospital where he was pronounced dead.

The EFRC determined the force used against the suspect was within Department policy. The EFRC also determined the tactics used were within Department policy.

RECOMMENDATIONS:

The EFRC recommended the unit commander, Captain Lawrence E. Del Mese, discuss and implement alternatives to the vehicle takedown maneuver used in this incident and to identify what additional resources are necessary to support his personnel with the handling of dangerous criminals on a daily basis.

Additionally, the EFRC recommended the unit commander conduct a tactical debriefing with all involved personnel regarding the unique circumstances of this incident. The tactical debriefing is to include the importance of having all safety equipment, such as protective vests, available and properly utilized.

BDD:JER:jer

Table of Contents

IAB CASE NO. **IV2319642**

C- Discovery CD containing, the Homicide Book, Coroner Files, Homicide Interviews, IO Photos, Video from KTLA, Scene Photos and Surveillance Videos

D- Los Angeles County Sheriff's Department Crime Analysis Program individual workup for Suspect Anthony Axe

E- Compact Disc containing the Radio Traffic

MISCELLANEOUS DOCUMENTS

- Signed Witness Admonitions

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
08/29/12	Major Crimes Bureau	[ ]	[x]

Incident Information

URN: 012-09191-1617-013	Date: 08/29/12	Time: 1757 hours
City or Station: Carson	Nature of Incident: The suspect was shot and killed when he tried to run Deputy [redacted] over with his vehicle.	
Location: 21200 South Figueroa Street		

Location Type (*check one or more*):
- [ ] Backyard
- [ ] Beach
- [x] Business
- [ ] Freeway
- [ ] Industrial
- [ ] Park
- [ ] Parking Lot
- [ ] Residence
- [ ] Rural
- [ ] School
- [x] Street
- Other:

Lighting (*check only one*):
- [ ] Darkness
- [x] Daylight
- [ ] Other
- [ ] Street Lights

Weather (*circle only one*):
- [ ] Clear
- [x] Cloudy
- [ ] Fog
- [ ] Rain

Distance:

Incident Type (*check one or more*):
- [ ] Accidental
- [ ] Armed Person
- [ ] Fleeing Suspect
- [ ] Foot Pursuit
- [ ] Gun Take Away
- [x] Moving Vehicle
- [ ] Sniper/Ambush
- [ ] Startle
- [ ] Struggle Involved
- [ ] Traffic Stop
- [ ] Unarmed Person
- [ ] Unintentional
- [ ] Vehicle Pursuit
- [ ] Warrant Service
- [ ] Warning Shot
- Other:

Initiated by (*check only one*):
- [x] Arrest Warrant
- [ ] Call
- [ ] Observation
- [ ] One Person Unit
- [ ] Other
- [ ] Search Warrant
- [ ] Two Person Unit

Prior Activity (*check only one*):
- [x] Detective
- [ ] Inmate Transport
- [ ] Other
- [ ] Routine Patrol

Aero Unit? [ ] Canine Unit? [ ]

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
2	0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*check only one*)	ShiftType (*check only one*)
[redacted]	[redacted]	[redacted]	[redacted]	[redacted] EM [redacted] PM [redacted] Day	[redacted] Regular [redacted] Overtime [redacted] Off Duty
[redacted]	[redacted]	[redacted]	[redacted]	[redacted] EM [redacted] PM [redacted] Day	[redacted] Regular [redacted] Overtime [redacted] Off Duty
[redacted]	Sunagawa	Mark	A	[ ] EM [ ] PM [x] Day	[x] Regular [ ] Overtime [ ] Off Duty

Non-Employee Witnesses

Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I.	(*check one or more*)	
[redacted]	Corrigan	James	F	[x] On Duty [x] Present during shooting	[x] Witness to shooting [ ] Involved in shooting
[redacted]	Hanson	John	A	[x] On Duty [ ] Present during shooting	[ ] Witness to shooting [ ] Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.

Watch Commander

Employee #	Last Name	First Name	M.I.

PSTD Use Only
SH # 2319642

Officer Involved Shooting

URN: 012-09191-1617-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
08/29/12	1920	12/19/13	

Employee #	Last Name	First Name	M.I
[redacted]	Allen	Victor	M
[redacted]	Reyes	Mark	A
[redacted]	Kusch	Roderick	A

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	UC					NN	
S#1	W/[redacted]	OV					ST	BK
S#1	W/[redacted]	OV					NN	
E#1	S#1	FH	HK	45	Y	Y	GS	BK
E#1	S#1	FH	HK	45	Y	Y	GS	CH

Officer Involved Shooting
Involved Employee Information

URN: 012-09191-1617-013

Involved Employee

E 1

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Sex: [redacted] Race: [redacted]	Rank [redacted]	Unit Assignment: [redacted]	Work Assignment (Unit #, Module, etc.): [redacted]
ShiftTime (*circle only one*): [redacted]	ShiftType (*circle only one*): [redacted]	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☒
Hrs of sleep prior to shooting: 4 to 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): (Plain Clothes no Vest) [circled], Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: [redacted] Height: [redacted] Weight: [redacted]			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted] — Prior Shootings? ☒	Number of Prior Shootings: 3 — Directed Force: [redacted]
Weapons Fired Brand: H&K — Caliber .45 — # Shots 2		Weapons Fired Brand: — Caliber — # Shots	
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit: — Prior Shootings? ☐	Number of Prior Shootings: — Directed Force: ☐
Weapons Fired Brand: — Caliber — # Shots		Weapons Fired Brand: — Caliber — # Shots	
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit: — Prior Shootings? ☐	Number of Prior Shootings: — Directed Force: ☐
Weapons Fired Brand: — Caliber — # Shots		Weapons Fired Brand: — Caliber — # Shots	
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 012-09191-1617-013

Suspect Information

S 1

Last Name: Axe	First Name: Anthony	M.I.: M.
AKA Last Name: Peanut	First Name:	M.I.:

Sex: M Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: ---	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 34 D.O.B. 05/25/1978	Height: 505 Weight: 180	FBI #: [redacted]	CII #: [redacted]
Booking #: ---	Primary Charge: ---	Secondary Charge: ---	
Coroner Case? ☒	Coroner Case #: 2012-05741	Intoxication/Drug Usage? ☒	Substance Used: Methamphetamine / Amphetamine
Armed? ☐	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: GMC	Model: Pace Arrow	Year: 1983	

S __

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:	Model:	Year:	

S __

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:	Model:	Year:	

S __

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:	Model:	Year:	

See Other Side

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
Cale	Jeffrey	D.	COPS Bureau, 4850 Civic Center Way, Los Angeles	90022	(323) 981-5300	---
Kent	Michael	T.	COPS Bureau, 4850 Civic Center Way, Los Angeles	90022	(323) 981-5300	---
Epp	Brandon	A.	COPS Bureau, 4850 Civic Center Way, Los Angeles	90022	(323) 981-5300	---
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	---
Pruitt	Adam	R.	Aero Bureau, 3235 Lakewood Bl, Long Beach 90808		(562) 421-2701	
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	---
Gutierrez	Leonardo		Homicide Bureau, 5747 Rickenbacker Road	90040	(909) 971-6204	---

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT: **On-Duty Hit Shooting**

IAB FILE NUMBER(S): **SH2319642**

URN#: **012-09191-1617-013**

DATE /TIME: **August 29, 2012 / 1757 Hours**

LOCATION: **21200 South Figueroa Street, Carson**

Opening Statement

On Wednesday, August 29, 2012, [redacted] from the Los Angeles County Sheriff Department's [redacted] shot Suspect Anthony Axe after he rammed the truck being driven by [redacted] and then drove in the direction of [redacted]. Suspect Axe sustained two gunshot wounds and died as a result of his injuries.

Lieutenant Roderick Kusch along with Sergeants Victor Allen and Mark Reyes of the Los Angeles County Sheriff Department's Internal Affairs Bureau responded to the scene. Attorney Bita Shasty of the Office of Independent Review was notified and also responded.

Synopsis

On August 29, 2012, members of the Parole Compliance Team, under the supervision of Sergeant Jeffrey Cale, were looking for Suspect Anthony Axe who was wanted in connection with an Assault with a Deadly Weapon case by Operation Safe Street Bureau **(refer to the complaint report on pages 63-74 of Exhibit A)**. In addition, Suspect Axe was wanted for a no bail warrant for a [redacted] **(refer to page 100 of Exhibit A)**. Sergeant Cale requested the assistance of Major Crimes Bureau in the search for Suspect Axe.

The Surveillance and Apprehension Team II (SAT II) out of Major Crimes Bureau, working in conjunction with the Homicide Gang Task Force, began to actively look for Suspect Axe. Sergeant James Corrigan's team, consisting of [redacted] and Mark Sunagawa, [redacted] and Operation Assistant Leonardo Gutierrez [redacted] located suspect Axe in the area of Wilmington Avenue and Main Street at a Chevron Station by [redacted] Suspect Axe

was positively identified by [redacted] while he was stopped at the service station. Sergeant Corrigan notified Sergeant Hanson to activate his team to take Suspect Axe into custody.

> **IAB Note:** Sergeant Corrigan's team is made up of both sworn and civilian personnel whose primary function is to use various technologies and intelligence to locate an individual. They rely on other teams for apprehension of the suspect.

Pending the arrival of Sergeant Hanson and his team, Sergeant Corrigan's team followed Suspect Axe along surface streets and the Harbor Freeway to 21200 South Figueroa Street in Carson. As he drove, Suspect Axe driving pattern was consistent with counter surveillance techniques, by making abrupt lane changes.

Sergeant Hanson, who supervised the SAT II Team, contacted [redacted] and [redacted] at their respective homes and had them respond. Sergeant Hanson also responded from his home and maintained contact with his team members via telephone.

[redacted] and [redacted] arrived within seconds of each other. [redacted] who was the team leader of SAT II, contacted [redacted]. [redacted] was positioned north of Suspect Axe's motorhome and was parked along the west curb. They were joined by [redacted]. In this position, [redacted] was also able to see Suspect Axe near the cargo area of the motorhome. He verified the identity of Suspect Axe and relayed the information to Sergeant Hanson, who was not yet on scene.

With the approval of Sergeant Hanson, [redacted] initiated a plan to take Suspect Axe in to custody. Since they were in plain clothes, [redacted] directed the members of his team to put on their protective vests and gun belts. They planned to take Suspect Axe into custody before he entered his motorhome and could drive away. To prevent Suspect Axe from driving away, [redacted] was going to utilize his car to block the front of the motorhome. He directed [redacted] to activate his emergency lights to the rear.

Before they could move into position, Suspect Axe had entered the motorhome. [redacted] used his car to block the front end of the motorhome. He exited his car and moved to the sidewalk to avoid being struck by traffic. [redacted] activated his lights and positioned his truck to the rear of the motorhome off-setting his truck to the left. He took a position in the "V" of his open door. [redacted] joined [redacted] at the door of his truck, and then moved to driver's side of motorhome. [redacted] was attempting to prevent an avenue of escape through what he believed would be the driver's door of the motorhome and to support [redacted]

[redacted] and [redacted] gave Suspect Axe verbal commands to stop and show his hands. Suspect Axe responded by saying "Fuck you!" several times. Suspect Axe proceeded to place the motorhome into reverse and quickly backed into [redacted]

[redacted] truck. [redacted] quickly moved from the "V" of his door to prevent being struck by the motorhome. Suspect Axe placed the motorhome in drive and proceeded to make a left turn in the direction of [redacted] believed [redacted] was going to be struck by the motorhome, fired two rounds at Suspect Axe striking him in the torso. [redacted] ran to the south past [redacted] car to avoid being struck.

After the shooting, Suspect Axe's motorhome continued across Figueroa Street crashing into a block wall. The motor home was contained by deputy personnel and a plan to breech the motorhome to render aid to Suspect Axe or to take him into custody was implemented. Sergeant Cale, who arrived on scene after the shooting, directed Deputy Michael Kent to use the Arwen in an effort to break out the rear window to allow them to see inside. The Arwen rounds did not break the window and the pick was subsequently used to break the window. Once the window was breeched, deputies were able to see Suspect Axe slumped over in the driver's seat. The door the motorhome was forced open and Suspect Axe was placed in handcuffs without incident.

Paramedics from the Los County Fire Department, who were staged nearby, render aid to Suspect Axe at the scene. He was transported to Harbor General Hospital where he was pronounced dead by Doctors Fallor and Devirgilio at 1846 hours.

District Attorney's Letter of Opinion

The Justice System Integrity Division of the Los Angeles County District Attorney's Office reviewed the fatal shooting of Anthony Axe by [redacted]. In their Letter of Opinion (**Exhibit B**), dated March 13, 2013, Deputy District Attorney Renee Chang concluded [redacted] acted lawfully in self-defense and defense of others.

Involved Personnel


[redacted] #[redacted]

Work History
Date of Employment: [redacted]
Date Assigned to Patrol:
Date Assigned to Unit:

Prior Shooting Incident(s): **3**
Prior Founded Force: [redacted]

Suspects
Axe, Anthony Michael MH/34
DOB: 05/25/1978
CC#: 2012-05741

Injuries

[redacted] strained his lower back. He was treated at Lakewood Hospital and released.

Suspect Anthony Axe sustained a fatal gunshot wound to his right upper back and a fatal gunshot wound to the right side of his back **(refer to the autopsy report on pages 134 and 135 of Exhibit A)**.

Physical Evidence

All the physical evidence was located and collected by Homicide Investigators, Detectives Margarita Barron and Dameron Peyton. They were assisted by Forensic Identification Specialists David Alonso #[redacted] and Firearms Examiner April Wong #[redacted] of Scientific Services Bureau. The evidence description and the locations of where it was found are contained on pages 25-52 of **Exhibit A**.

Investigators Observations

The scene was described in detail by Homicide investigators Detectives Margarita Barron and Dameron Peyton **(refer to pages 36-41 of Exhibit A)**. Their description of the scene is consistent with IAB Investigator's observations.

The scene was also photographed by Forensic Identification Specialist Michelle Acevedo #[redacted] of Scientific Services Bureau. Refer to the photographs contained on the compact disc **Exhibit C** to review the photographs of the scene.

The scene was documented in a sketch produced by Forensic Identification Specialist Stefanie Marr #[redacted] of Scientific Services Bureau **(refer to the sketch on page 55 of Exhibit A)**.

Weapons used by Deputy

[redacted] fired two (2) rounds of Department authorized .45 caliber ammunition from a Department authorized H&K USP, .45 caliber semiautomatic handgun. The weapon was examined by Scientific Services Bureau's Firearms Identifications Section and determined to be functional **(refer to page 57 of Exhibit A)**.

Two (2) expended casings were recovered at the scene **(refer to evidence items 5 and 6 on page 37 of Exhibit A)** and two (2) bullets were recovered from the body of Anthony Axe **(refer to pages 134 and 135 of Exhibit A)**.

Date last qualified: [redacted]
Date last trained with weapon:

Weapon used by Suspect

Suspect Anthony Axe drove a maroon 1983, GMC, "Pace Arrow" recreational vehicle California license [redacted] into [redacted] silver Ford F150 pick-up truck CA [redacted] and in the direction of [redacted]

Property Damage

[redacted] county issued silver Ford F150 pick-up truck CA [redacted] sustained front end damage.

The cider block retaining wall and structure to the "Aenon Bible College" building sustain collision damage from Suspect Axe's recreational vehicle.

There was substantial damage to the front and rear of the maroon 1983, GMC, "Pace Arrow" recreational vehicle driven by Suspect Axe.

Criminal Investigator

Detectives Todd Anderson #[redacted] and Samuel Dendekker #[redacted] of the Los Angeles County Sheriff's Department Homicide Bureau conducted the criminal investigation.

Lighting and Weather Conditions

The shooting occurred during daylight and the weather was clear with sunshine.

Witness Interviews

Sergeant James Corrigan

On Wednesday, August 29, 2012, Homicide Investigators Scott Anderson and Sam Dendekker interviewed Sergeant James Corrigan at Carson Sheriff Station. The interview was digitally recorded. The audio file and a transcription of the interview were submitted with this case and should be referred to for the exact verbiage. The following is a summary of the Homicide interview.

Sergeant Corrigan said he was assigned to the Homicide Gang Task Force assisting Major Crimes Bureau looking for a parolee-at-large. At the intersection of Wilmington Avenue and Main Street at the Chevron Gas Station, Sergeant Corrigan said the suspect, Anthony Axe, was found next to a motorhome at the gas pumps. Suspect Axe entered the motor home and drove south on Wilmington Avenue. [redacted]

[redacted] who was part of the [redacted] followed Suspect Axe and relayed his route of travel via the radio.

Sergeant Corrigan said the surveillance team followed Suspect Axe onto the northbound Harbor Freeway (110). As Suspect Axe neared the Carson Street exit, he drove from the number three lane across the number four and onto the exit at Carson Street. Suspect Axe drove north on Figueroa Street, moved into the left turn bay, made a U-turn and pulled over to the curb. Due to Suspect Axe's knowledge that he was wanted by law enforcement, Sergeant Corrigan said Suspect Axe was possible using counter surveillance techniques.

Sergeant Corrigan said Suspect Axe exited the motorhome and walked into a recreational vehicle shop. He said he was parked to the south of Suspect Axe. Dressed in civilian clothing, Sergeant Corrigan said he, along with Detective Sunagawa, proceeded on foot to help contain Suspect Axe. He said [redacted] and [redacted] from [redacted] arrived on scene. They developed a plan to box Suspect Axe in to prevent him from driving away in the motorhome.

As he was approaching on foot, Sergeant Corrigan said Suspect Axe entered the motorhome through the side door. [redacted], [redacted] and [redacted] who are now in uniform (Sheriff's vest with insignias), moved to block Suspect Axe's avenue of escape. [redacted] pulled in behind Suspect Axe, with [redacted] behind him and [redacted] moved his vehicle to the front driver's side of the motorhome blocking it against the curb.

Sergeant Corrigan said Suspect Axe made his way to the driver's seat of the motorhome. The deputies were giving Suspect Axe verbal commands to stop and put his hands up. However, Suspect Axe responded by saying "Fuck you" several times. [redacted] was moving over to the sidewalk to the front passenger side of the motorhome. [redacted] was still to the rear of motorhome and [redacted] was now in the street on the driver's side of the motorhome. Sergeant Corrigan said [redacted] attempted to open the side door to the motorhome, but it was locked.

As he and Detective Sunagawa were still walking up to the motorhome, Sergeant Corrigan said he heard it start up. Suspect Axe placed the motorhome in reverse and rammed into [redacted] truck. Sergeant Corrigan said he lost sight of [redacted] He said the motorhome was now coming in the direction of [redacted] At that time, Sergeant Corrigan said he saw [redacted] fire two rounds. He said Suspect Axe continued on in the motorhome until it crashed into the church property.

Sergeant Corrigan said he approached along the passenger side of the motorhome and saw Suspect Axe go down between the seats. He said he was no sure if the suspect was slouching down or had fallen over, but he was now out of his view. Sergeant Corrigan said because there was no cover, he moved [redacted] car into position so it could be used for cover, concealment and a staging area.

Sergeant Corrigan said he develop a tactical plan to breech the rear window of the motorhome to give them a visual inside. Initially, Sergeant Corrigan said they tried to utilize the Arwen to breech the rear window; however, the rounds bounced off. Ultimately, they were able to breech the window using the pick. Once the rear window was breeched, Sergeant Corrigan said they could see Suspect Axe laying inside between the seats, gasping for air. Deputies made entry into the motorhome and called in the paramedics for Suspect Axe.

On Monday, November 4, 2013, Sergeant James Corrigan was interviewed by Sergeants Victor Allen and Catrina Khasaempanth of the Los Angeles County Sheriff Department's Internal Affairs Bureau (IAB). Representing Sergeant Corrigan in the interview was Attorney Jim Cunningham of Law Office of Hayes and Cunningham. Also present in the interview was Teresa Machado a Labor Representative from the Los Angeles County Professional Peace Officers Association (PPOA). Ms. Machado was there to observe and not participate in the interview.

The IAB interview covered areas not covered in the Homicide interview. The interview was digitally recorded and transcribed. During the interview, Sergeant Corrigan used the sketch that was produce by Scientific Services to illustrate his position and photos of the vehicles. The sketch and photos are attached to his transcripts. The following is a summary of Sergeant Corrigan IAB interview.

Sergeant Corrigan said he had been on the Sheriff's Department for over thirty years. He had been a sergeant on the Department for almost [redacted] years. At the time of this incident he was [redacted] He said he was responsible for managing two surveillance teams, usually investigating cold case murders.

On August 29, 2013, Sergeant Corrigan said one of his teams consisting of Detectives Sunagawa and [redacted] and [redacted] and Operation Assistant Leo Gutierrez and himself were conducting a surveillance operation for Suspect Axe. Using cell phone technologies, they were able to locate Suspect Axe in a residential area near the Chevron Gas Station. Sergeant Corrigan said he alerted [redacted] to Suspect Axe's location and vehicle description. Once [redacted] verified it was Suspect Axe in the motorhome, Sergeant Corrigan said he called Sergeant Hanson to activate his (Sergeant Hanson's) team. Sergeant Corrigan said his team's primary function in the surveillance operation was to provide technology and support. He said it was Sergeant Hanson's team from Major Crimes Bureau responsibility to take Suspect Axe into custody.

> **IAB Note:** [redacted] and Leo Gutierrez were subsequently interviewed by IAB investigators. They were on a side street in a surveillance vehicle at the time of the shooting and did not see or hear it.

Sergeant Corrigan said they followed Suspect Axe for about five minutes until he parked on Figueroa Street. From the time he notified Sergeant Hanson, he said it took about

ten to fifteen minutes for members of Sergeant Hanson's team [redacted] and [redacted] to arrive at the scene. He said until the Detectives from Majors Crimes Bureau arrived there was not sufficient personnel to attempt to take Suspect Axee into custody.

Sergeant Corrigan said once Suspect Axe reentered the motorhome, he had been in there about thirty to forty seconds before he rammed Deputy [redacted] truck. [redacted] was maintaining a visual on Suspect Axe through the front passenger window and he moved along with the motorhome and into the street. He said Suspect Axe had made a sharp turn to the left going into the street. Sergeant Corrigan said he felt Suspect Axe posed a threat to [redacted] who had been in the street. He said he was not in a position to address the threat because he was too far away and did not have a clear shot.

Once the suspect had crashed into the church property, Sergeant Corrigan said he requested additional units to the scene. He said he coordinated with Sergeants Hanson and Cale on the tactical planning on the approach of the motorhome to either render aid to the suspect or take him into custody. Sergeant Corrigan said he devised a plan to breech the rear window to allow them a visual inside the motorhome, which would have given them the ability to clear about ninety percent of it before making entry.

[redacted]

On Thursday, August 30, 2012, Homicide Investigators Scott Anderson and Sam Dendekker interviewed [redacted] at Carson Sheriff Station. The interview was digitally recorded. The audio file and a transcription of the interview were submitted with this case and should be referred to for the exact verbiage. The following is a summary of the Homicide interview.

[redacted] said he was working the [redacted] out the [redacted] He was assisting the team that was supervised by Sergeant Johnny Hanson locate an Assault with a Deadly Weapon suspect and parolee-at-large who was wanted by Operation Safe Street Bureau (OSS).

[redacted] said he located the suspect in the parking lot of a Chevron gas station on Wilmington Avenue north of Pacific Coast Highway. He said they attempted to have an Carson OSS unit make a stop on the suspect before he left the gas station, but the unit never made it due to another deputy involved shooting in Carson Station's area. [redacted] said he followed the suspect from the gas station on surface streets and to the freeway. He was relaying his position to the other members of his team as they were trying to catch up to him. As he followed the suspect in the number three lane of the freeway, [redacted] said the suspect darted across the number four lane and onto the exit at Carson Street. [redacted] said he was not sure if the suspect was trying to use counter surveillance to determine if someone was following him or if this was a normal driving pattern for the suspect.

[redacted] they went northbound on Figueroa Street where the suspect made a U-turn and pulled to the curb. He said he maintained a visual of the suspect and parked along the curb staying a good distance away. At that time he said Sergeant Corrigan and Detective Sunagawa made it the location. [redacted] said the suspect exited the motorhome and began looking in his direction, then went into one of the businesses. He said from his vantage point he could not see were the suspect had gone. He said he was communicating with Detective Sunagawa by telephone. Detective Sunagawa was now on foot and informed them the suspect was inside a recreational vehicle business.

[redacted] said [redacted] and additional personal were arriving on scene. He said they were developing a plan to take the suspect into custody. Due the size of the suspect's vehicle, his history of evading, drug use and potentially being armed, [redacted] said their goal was to take the suspect into custody before he could drive away in the motorhome. He said they put on their protective vests and were preparing to box the suspect in. [redacted] said he was going to utilize his lights and siren to the rear and [redacted] was going to pull his vehicle to the front to prevent the suspect from going forward.

[redacted] said from his position in the rear, he could hear deputies in the front giving the suspect commands to show his hands. In response to the commands, [redacted] said he heard "fuck you" several times. He said [redacted] came up from behind him, letting him know he was there, and then [redacted] moved toward the front of the motorhome. [redacted] said he heard the motorhome start up, the engine being revved, and saw the motorhome coming backwards toward him. [redacted] said he was standing in the doorway of his truck. To prevent from being injured he quickly moved away from the doorway toward the street. In the process of moving away from his truck, [redacted] said he "tweaked" his back. He said the motorhome then "plowed" into his truck pushing it backwards about five feet.

[redacted] said he the motorhome began to go forward and turn to the left. It was then he heard two to three gunshots. He said he did not know who was shooting. He could see [redacted] on the driver's side of the motorhome and could see it was not him who was shooting. [redacted] said the motorhome went eastbound across the street and crashed into a wall at the church.

On Tuesday, November 5, 2013, [redacted] was interviewed by Sergeants Victor Allen and Catrina Khasaempanth of the Los Angeles County Sheriff Department's Internal Affairs Bureau (IAB). Representing [redacted] during the interview was Attorney Dale Nowicki of Green and Shinee. Also present in the interview was Sergeant David Wessol of IAB. Sergeant Wessol was there as an observer only and he did not participate in the interview.

The IAB interview covered areas not covered in the Homicide interview. The interview was digitally recorded and transcribed. During the interview, [redacted] used the sketch that was produce by Scientific Services to illustrate his position. The sketch is attached to his transcripts. The following is a summary of [redacted] IAB interview.

[redacted] said he had been assigned to [redacted] for about [redacted] years. In that time, he said he had participated in hundreds of surveillance operations. On August 29, 2012, he said he was [redacted] out the [redacted].

[redacted] said it took about five minutes for Suspect Axe to drive from the gas station to where he parked on Figueroa Street. Once Suspect Axe entered the recreational vehicle shop, [redacted] said he was inside for about ten minutes. [redacted] said the time Suspect Axe was inside the shop did not allow them the opportunity to take the suspect into custody, but it allowed time for more personnel to arrive on scene.

[redacted] said when [redacted] approached him at his driver's door, he was not aware [redacted] was going to move up to the driver's side of the motorhome. He said he believes [redacted] was attempting to move up to give the suspect verbal commands and assist [redacted] in affecting an arrest. [redacted] said he stayed in the back to contain the motorhome.

At the time of the shooting, [redacted] said he could not see [redacted] but knew he was on the sidewalk along with Detective Sunagawa and Sergeant Corrigan. He said [redacted] was in the street on the driver's side of the motorhome. After the shooting, [redacted] said he was not involved in the entry of the motorhome.

[redacted]

On Wednesday, August 29, 2012, Homicide Investigators Scott Anderson and Sam Dendekker interviewed [redacted] at Carson Sheriff Station. The interview was digitally recorded. The audio file and a transcription of the interview were submitted with this case and should be referred to for the exact verbiage. The following is a summary of the Homicide interview.

On August 29, 2012, [redacted] said he was working the [redacted] and [redacted] out of [redacted]. He had gone home for the day after assisting in trying to locate Suspect Axe. While he was at home, [redacted] said he received a call from Sergeant Hanson informing him Suspect Axe had been located. [redacted] said he drove to the location on Figueroa Street and saw the Suspect's vehicle parked in front of a repair shop.

[redacted] said he drove northbound going by the suspect's vehicle and parked about a block away. He positioned his vehicle behind [redacted] car which was behind [redacted] truck. [redacted] said he put on his protective vest and Sam Browne gun belt. He said the three of them were coordinating over the radio with [redacted] advising them of the suspect's position. [redacted] said [redacted] directed [redacted] to use his emergency lights to the rear of

the suspect's vehicle while he [redacted] drove and took a position in front of the suspect's vehicle.

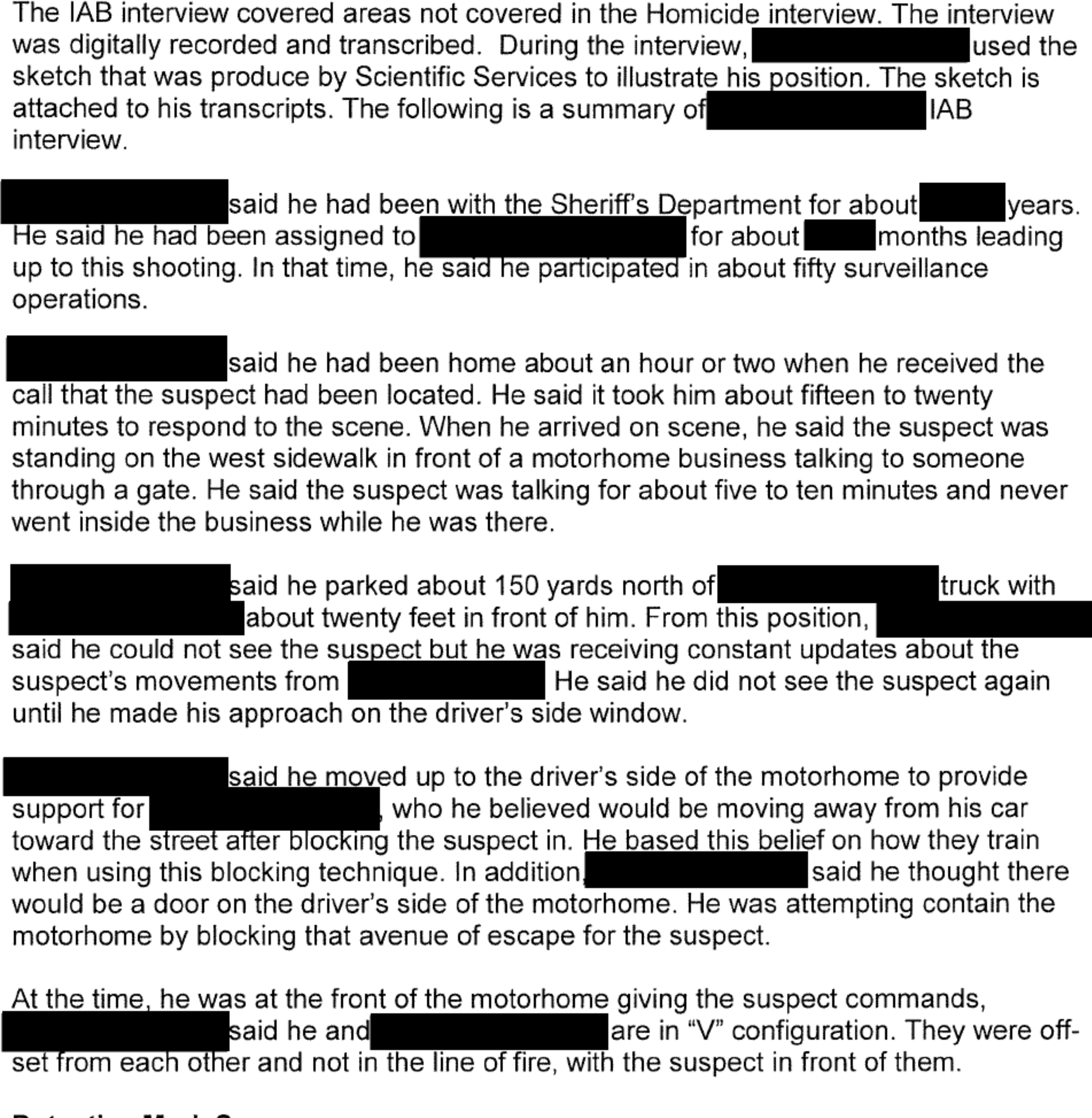
[redacted] said as [redacted] pulled forward, he pulled in behind him. He said he exited his vehicle move in behind [redacted] who was now standing in the "V" of his door. [redacted] said he could see movement inside the motorhome and [redacted] car. He said he moved to the driver's side of the motorhome believing there was going to be a door. However, he said there was only a window on that side of the motorhome.

[redacted] said he saw the suspect sitting in the driver's seat of the motorhome attempting to start the motorhome. He saw [redacted] was on the passenger side of the motorhome. [redacted] said they were yelling at the suspect to show them his hands and identifying themselves as Sheriff Deputies. Suspect Axe was responding by saying, "Fuck you!" several times. [redacted] said the motorhome started up and the engine was revving. He said the motorhome went into reverse with the tires squealing and struck [redacted] truck.

[redacted] said he could not see [redacted] at that point. He said the motorhome started to go forward and he was now in between the motorhome and [redacted] vehicle. [redacted] said he ran to get behind [redacted] car to get out of the way. He said he was afraid he was either going to be struck by the motorhome or the motorhome would strike [redacted] car and hit him. As he was trying to get out of the way, [redacted] said he heard two shots. He said the motorhome missed him and [redacted] car and continued until it struck a block wall at the church.

[redacted] said Sergeant Corrigan moved [redacted] car so they could use it as cover. He said they were giving the suspect commands to drop his weapon and to come out, but he did not see any movement from the motorhome. He said someone had relayed information that the suspect was slumped over or between the front seats of the motorhome. [redacted] said they attempted to break out the rear window to the motorhome using the Arwen, but the rounds just bounced off the window. He said a plan was develop to approach using the shield. The approach was made and he used the pick to break out the rear window so they would have a clear view inside and he assisted in breaching the side door with the pick. Once they made entry, he said they cleared the motorhome and had paramedics come in to render aid to the suspect.

On Tuesday, November 5, 2013, [redacted] was interviewed by Sergeants Victor Allen and Catrina Khasaempanth of the Los Angeles County Sheriff Department's Internal Affairs Bureau (IAB). Representing [redacted] during the interview was Attorney Dale Nowicki of Green and Shinee. Also present in the interview was Sergeant David Wessol of IAB. Sergeant Wessol was there as an observer only and he did not participate in the interview.



The IAB interview covered areas not covered in the Homicide interview. The interview was digitally recorded and transcribed. During the interview, [redacted] used the sketch that was produce by Scientific Services to illustrate his position. The sketch is attached to his transcripts. The following is a summary of [redacted] IAB interview.

[redacted] said he had been with the Sheriff's Department for about [redacted] years. He said he had been assigned to [redacted] for about [redacted] months leading up to this shooting. In that time, he said he participated in about fifty surveillance operations.

[redacted] said he had been home about an hour or two when he received the call that the suspect had been located. He said it took him about fifteen to twenty minutes to respond to the scene. When he arrived on scene, he said the suspect was standing on the west sidewalk in front of a motorhome business talking to someone through a gate. He said the suspect was talking for about five to ten minutes and never went inside the business while he was there.

[redacted] said he parked about 150 yards north of [redacted] truck with [redacted] about twenty feet in front of him. From this position, [redacted] said he could not see the suspect but he was receiving constant updates about the suspect's movements from [redacted] He said he did not see the suspect again until he made his approach on the driver's side window.

[redacted] said he moved up to the driver's side of the motorhome to provide support for [redacted], who he believed would be moving away from his car toward the street after blocking the suspect in. He based this belief on how they train when using this blocking technique. In addition, [redacted] said he thought there would be a door on the driver's side of the motorhome. He was attempting contain the motorhome by blocking that avenue of escape for the suspect.

At the time, he was at the front of the motorhome giving the suspect commands, [redacted] said he and [redacted] are in "V" configuration. They were off-set from each other and not in the line of fire, with the suspect in front of them.

Detective Mark Sunagawa

On Wednesday, August 29, 2012, Homicide Investigators Scott Anderson and Sam Dendekker interviewed Detective Mark Sunagawa at Carson Sheriff Station. The interview was digitally recorded. The audio file and a transcription of the interview were submitted with this case and should be referred to for the exact verbiage. The following is a summary of the Homicide interview.

Detective Sunagawa said he was working the Homicide Task Force conducting a surveillance operation for Suspect Axe, who was wanted for an Assault with a Deadly Weapon and was a parolee-at-large. He said Suspect Axe was located in the

Wilmington area and was positively identified by one of his partners ([redacted]) at a gas station. Detective Sunagawa said they followed Suspect Axe to the northbound Harbor freeway (110) exiting at Carson Street near Figueroa Street. He said [redacted] was in the first car behind Suspect Axe and he was some distance back.

Detective Sunagawa said Suspect Axe parked on Figueroa Street and entered one of the businesses. He said they were not sure which business the suspect entered, so he went on foot to determine where the suspect had gone. Detective Sunagawa said Suspect Axe came out of a recreational vehicle shop holding what looked like a pizza box. He said Suspect Axe, after speaking to someone in the driveway of the shop, entered his motorhome.

Detective Sunagawa said Suspect Axe exited his motorhome and went to the rear. He said a plan was put in place to take him into custody before he went back inside the motorhome. As they were moving into positron, Detective Sunagawa said Suspect Axe entered the motorhome. After locking the rear side door, Suspect Axe made his way to the front. He said [redacted] and [redacted] were in the front identifying themselves as Sheriff Deputies and giving Suspect Axe commands to stop.

Detective Sunagawa said Suspect Axe placed his motorhome into reverse. He said Suspect Axe then reached toward his groin area and then reached toward the floorboard of the motorhome. He said Suspect Axe backed into [redacted] truck hitting it pretty hard. He said the suspect now had room to maneuver around [redacted] car in the number two lane. The suspect was turning to his left and driving into the direction of [redacted] Detective Sunagawa, who said he was standing on the sidewalk, saw [redacted] fire one or two rounds at the suspect. Detective Sunagawa said the motorhome continued across the street and crashed into a wall at the church.

On Tuesday, November 5, 2013, Detective Mark Sunagawa was interviewed by Sergeants Victor Allen and Catrina Khasaempanth of the Los Angeles County Sheriff Department's Internal Affairs Bureau (IAB). Representing Detective Sunagawa during the interview was Attorney Dale Nowicki of Green and Shinee. Also present in the interview was Sergeant David Wessol of IAB. Sergeant Wessol was there as an observer only and he did not participate in the interview.

The IAB interview covered areas not covered in the Homicide interview. The interview was digitally recorded and transcribed. During the interview, Detective Sunagawa used the sketch that was produce by Scientific Services to illustrate his position. The sketch is attached to his transcripts. The following is a summary of Detective Sunagawa IAB interview.

Detective Sunagawa said it took only a few minutes for the suspect to drive from the gas station in Wilmington until it parked on Figueroa Street. He parked his surveillance vehicle on a side street, but was being advised of the suspect's location by [redacted] Detective Sunagawa estimated the suspect was inside the recreational vehicle

shop for about fifteen to twenty minutes. He said he was positioned about twenty yards south of the suspect on the sidewalk. At that time, he said there were not sufficient resources at the scene to take the suspect into custody. He said the sworn personnel consisted of him, Sergeant Corrigan and [redacted] Additional resources did not arrive until the suspect had exited the shop.

At the time of the shooting, Detective Sunagawa said he was about five feet away from [redacted] He said the suspect was frantically trying to drive away, he posed a threat to [redacted] in the rear and to [redacted] who was in the street trying to get out of the way of the suspect. Detective Sunagawa said before he could move into position to address the threat, [redacted] already fired his weapon.

Once the Suspect crashed into the wall, Detective Sunagawa said he took a position behind cover to the north of the motorhome. He said he could see inside the motorhome but he did not see the suspect. Later, he said he moved to a position behind the extraction team to avoid a crossfire.

Sergeant John Hanson

On Monday, November 4, 2013, Sergeant John Hanson was interviewed by Sergeants Victor Allen and Catrina Khasaempanth of the Los Angeles County Sheriff Department's Internal Affairs Bureau (IAB). Representing Sergeant Hanson in the interview was Attorney Jim Cunningham of Law Office of Hayes and Cunningham. Also present in the interview was Teresa Machado a Labor Representative from the Los Angeles County Professional Peace Officers Association (PPOA). Ms. Machado was there to observe and not participate in the interview.

Sergeant Hanson said he was a sergeant assigned to Major Crimes Bureau supervising a six person surveillance and apprehension team. Earlier in the day, He said his team had been actively looking for Suspect Axe, but did not locate him. Later he received a call from Sergeant Corrigan advising him that suspect had been located and to activate his team.

Sergeant Corrigan said he notified [redacted] and [redacted] who lived close to the area, and had them respond. He said he also responded from his home. While en route, he said he provided [redacted] updates via telephone. He said he informed [redacted] if they could safely take the suspect into custody while he was outside the motorhome to go ahead and do so.

When he arrived on scene, Sergeant Hanson said the shooting had already occurred. He said he saw the motorhome had crashed into a wall. He said he was advised by [redacted] that he had shot the suspect. He said an airship was overhead and relayed information that the suspect was down inside the motorhome. Sergeant Hanson said they came up with a tactical plan to enter the motorhome and get medical help for the suspect.

IAB Note: IAB Investigator interviewed Deputy Adam Pruitt who was the Tactical Flight Deputy (Observer) in the airship. He did not recall being able to see inside the motorhome.

Sergeant Jeffrey Cale

On Monday, November 4, 2013, Sergeant Jeffrey Cale was interviewed by Sergeants Victor Allen and Catrina Khasaempanth of the Los Angeles County Sheriff Department's Internal Affairs Bureau (IAB). Representing Sergeant Cale in the interview was Attorney Jim Cunningham of Law Office of Hayes and Cunningham. Also present in the interview was Teresa Machado a Labor Representative from the Los Angeles County Professional Peace Officers Association (PPOA). Ms. Machado was there to observe and not participate in the interview.

Sergeant Cale said he was assigned to the COPS Bureau on the Parole Compliance Team. He said he supervised a team of five deputies conducting parole compliance checks.

Sergeant Cale said his team was trying to locate Suspect Anthony Axe, who was a parolee-at-large. After speaking with family members of Suspect Axe, Sergeant Cale said they learned his cell phone number. He said he contracted Sergeant Hanson of Major Crimes Bureau and requested their assistance in locating him. Later in the afternoon, Sergeant Cale said he was informed by Major Crimes Bureau they had Suspect Axe under surveillance.

Sergeant Cale said he contacted three members of his team, Deputies [redacted] Brandon Epp and Michael Kent, to respond to the area in case their assistance was needed by Major Crimes. He said he was responding to the area and just exited the freeway when the shooting occurred. Sergeant Cale said he responded to the area and saw the motorhome perpendicular to the traffic on Figueroa Street. He said the motorhome had crashed into a retaining wall in front of a church.

Sergeant Cale said he met up with Sergeants Hanson and Corrigan and the three of them came up with a plan to approach the motorhome and check on the occupant. He said they had information the suspect was down inside the motorhome. He said they wanted to break out the rear window of the motorhome so they could safely see inside and provide cover for approaching deputies. He directed Deputy Kent to use the Arwen to break out the rear window. He said Deputy Kent fired six rounds, but none of them broke out the window. Sergeant Cale said the ram was used in conjunction with the pick to break out the window. Once the window was breeched, Sergeant Cale he was able to see inside. He said he could see the suspect lying toward the front of the motorhome and he appeared to be injured.

Deputy Michael Kent

On Monday, November 18, 2013, Deputy Michael Kent was interviewed by Sergeants Victor Allen and Catrina Khasaempanth of the Los Angeles County Sheriff Department's Internal Affairs Bureau (IAB). Representing Deputy Kent during the interview was Attorney Dale Nowicki of Green and Shinee. The interview was digitally recorded. The audio file of the interview was submitted with this case and should be referred to for the exact verbiage. The following is a summary of the IAB interview.

On Wednesday, August 29, 2013, Deputy Kent said he was working the Parole Compliance Team trying to locate Suspect Anthony Axe, who was wanted for Assault with a Deadly Weapon and a no bail warrant. Earlier in the day, Deputy Kent said they were [redacted] the suspect's [redacted] trying to locate him, but to no avail. Deputy Kent said he was sent home for the day.

Once he was at home, Deputy Kent said he received a call from Sergeant Cale telling him the suspect had been located. He responded to the scene from home in about thirty-five minutes to provide a radio car presence. When he arrived, Deputy Kent said the shooting had already occurred. The suspect's motorhome had crashed into a wall on the eastside of the street. Deputy Kent said he met with Sergeant Cale who directed him to port the rear window of the motorhome with the Arwen to get a visual of the suspect inside.

From a distance of about twenty to twenty-five yards, Deputy Kent said he fired six rounds from the Arwen at the window. The initial rounds sailed up and struck the top of the motorhome. Deputy Kent said he adjusted his aim and estimated two of the rounds struck the window, but the window did not break.

Deputy Kent said he was then directed by Sergeant Cale to use the ram to breech the door of the motorhome. He said he used the ram to set the pick and the door was breech. He entered the motorhome and assisted in clearing it. When he entered the motorhome, he said the suspect was slumped over driver's seat. Deputy Kent said he placed the suspect into handcuffs and the suspect offered no resistance. He said fire personnel made entry into the motorhome to provide medical care for the suspect.

Deputy Brandon Epp

On Monday, November 18, 2013, Deputy Brandon Epp was interviewed by Sergeants Victor Allen and Catrina Khasaempanth of the Los Angeles County Sheriff Department's Internal Affairs Bureau (IAB). Representing Deputy Epp during the interview was Attorney Dale Nowicki of Green and Shinee. The interview was digitally recorded. The audio file of the interview was submitted with this case and should be referred to for the exact verbiage. The following is a summary of the IAB interview.

On Wednesday, August 29, 2012, Deputy Epp said he was working the Parole Compliance Team. He said he was at Lomita Sheriff Station when he was notified by

Sergeant Cale that Suspect Axe had been located by Major Crimes Bureau. He said he responded to the area to provide a radio car for a potential traffic stop. As he was en route, Deputy Epp said there was emergency radio traffic from the location. Upon arrival, Deputy Epps said he saw the motorhome had crashed into the brick wall of a church and detectives from Major Crimes Bureau were covering the motorhome.

Deputy Epp said he took a position of cover utilizing his radio car. He said he made announcement over the P.A. system of his radio car trying to get the occupant to exit; however he did not receive any response. Deputy Epp said he maintained his position until the suspect was taken into custody. Deputy Epp said he was then directed by Sergeant Cale to make a video of the scene. After completing the video, he said he gave it to Sergeant Cale.

> **IAB Note:** IAB investigators contacted Sergeant Cale to obtain the video. Sergeant Cale said he gave the video to the Homicide investigators. The Homicide investigators were contacted and indicated they were not able to locate the video.

Deputy [redacted]

On Monday, November 18, 2013, Deputy [redacted] was interviewed by Sergeants Victor Allen and Catrina Khasaempanth of the Los Angeles County Sheriff Department's Internal Affairs Bureau (IAB). Representing Detective Sunagawa during the interview was Attorney Dale Nowicki of Green and Shinee. The interview was digitally recorded. The audio file of the interview was submitted with this case and should be referred to for the exact verbiage. The following is a summary of the IAB interview.

On Wednesday, August 29, 2012, Deputy [redacted] said he was working the [redacted] looking for Suspect Axe. They had been trying to locate him by [redacted] his [redacted], but [redacted] He was notified at home that the [redacted] to Suspect Axe's [redacted] was active again and he was needed to conduct a traffic stop. On the way to location, Deputy [redacted] said he heard that a deputy involved shooting had occurred over the radio.

Deputy [redacted] said he went to the scene and met with Sergeant Cale and other deputies. He said he was directed to retrieve additional rounds for the Arwen from Sergeant Cale's Vehicle. He said he did not witness the firing of the Arwen rounds or participate in the entry of the motorhome.

<u>Involved Personnel</u>

[redacted]

On Thursday, August 30, 2012, Homicide Investigators Scott Anderson and Sam Dendekker interviewed [redacted] at Carson Sheriff Station. The interview was digitally recorded. The audio file and a transcription of the interview were

submitted with this case and should be referred to for the exact verbiage. The following is a summary of the Homicide interview.

[redacted] said he had been assigned to [redacted] since [redacted] He said he was currently the Team Leader for the [redacted] He had been in that capacity for about [redacted] months.

On August 29, 2012, [redacted] said his team was looking for Suspect Anthony Axe who was wanted for an assault with a deadly weapon and was a parolee-at-large. He said he was aware that Suspect Axe's criminal history included weapons violations and felony evading. He was also aware Suspect Axe had served time in prisons and was an active gang member. [redacted] said they had photos of Suspect Axe and they had been working the case for a couple of days. At about noon, [redacted] said the surveillance went stale. He said the operation was shut down and team went home.

At about 5:15 P.M., [redacted] said he received a call from his sergeant, Sergeant Johnny Hanson. He said he was told by Sergeant Hanson that Suspect Axe had been located and was northbound on the 110 freeway at Pacific Coast Highway. [redacted] said he responded from home in his Department assigned undercover vehicle. In the vicinity of Carson Street and the 110 freeway, [redacted] said he communicated with [redacted] on the radio. During this conversation, [redacted] said he learned of the suspect's location on Figueroa Street and a description of the suspect's vehicle.

[redacted] said he drove northbound on Figueroa Street past the suspect's vehicle which was parked along the west curb. He parked behind [redacted] truck and said [redacted] parked behind him. [redacted] said he was told by [redacted] the suspect was on the west sidewalk of Figueroa Street carrying what appeared to be a pizza box. Suspect Axe was walking toward his recreational vehicle. To the south of Suspect Axe, [redacted] said he saw Detective Sunagawa.

[redacted] said he checked to see if a radio car was available from Carson Sheriff Station to assist them. However, he was told the Carson units were tied up with a deputy involved shooting in their area. [redacted] said he was told by [redacted] he had positively identified the suspect. [redacted] said he also verified the person on the sidewalk was Suspect Axe from a photo he had of him. As the team leader, [redacted] said he made the decision to try and take the suspect in to custody prior to him getting back into his recreational vehicle and driving away. [redacted] said from his knowledge of the Suspect Axe's criminal history he thought allowing him to drive away would place the public in danger. Also, he said it was consistent with the way they train, which is to whenever possible take the suspect into custody when they are either sitting in the vehicle or outside of it.

[redacted] said he retrieved his Sheriff's vest from the backseat of his vehicle. He said he told the members of his team via the radio they were going to take the suspect into custody while the suspect was outside his vehicle. [redacted] said he checked with [redacted] to make sure he had emergency lights on his truck, which he did. He said he wanted to ensure that Suspect Axe knew they were law enforcement.

[redacted] he told [redacted] he was going to lead the way with lights, while he drove to the front of the suspect's vehicle to block it in. Before they moved into place, Suspect Axe had entered his vehicle through the passenger side door. [redacted] said [redacted] began to drive forward while he drove to the front of the motorhome. [redacted] said he positioned his vehicle at an angle up tight to the front bumper of the motorhome to prevent Suspect Axe's escape. From his training and experience, [redacted] said that most suspects comply once they have blocked their avenues of escape.

Once his vehicle was in place, [redacted] said he exited his driver's door and moved around to the passenger window of the motorhome. As he moved to the window, he said he could see Suspect Axe go to the side rear door of the motorhome and lock it. [redacted] said he was standing on the sidewalk pointing his handgun at Suspect Axe. He said he was saying "Sheriff. Stop. Let me see your hands" to Suspect Axe. After locking the side door to the motorhome, [redacted] said Suspect Axe ran back to the driver's seat. [redacted] said he was giving Suspect Axe commands to "Stop. Sheriff, Sheriff, Sheriff. Let me see your hands." He said Suspect Axe responded by saying "Fuck you! Fuck you!" [redacted] said Suspect Axe was looking at him and could clearly see him because the window was down.

[redacted] said he could see [redacted] on the driver's side of the motorhome. Suspect Axe then looked backwards; he placed the motorhome in reverse and gunned the engine. [redacted] said he followed the suspect with his weapon while telling him to stop. He said Suspect Axe quickly drove the motorhome backwards and crashed it into [redacted] truck. [redacted] said Suspect Axe had struck [redacted] truck real hard causing a loud crash. Suspect Axe put the motorhome into drive and quickly started to pull forward. [redacted] said he could no longer see [redacted] He said he did not know if he had fallen under the motorhome when it had backed up.

[redacted] said Suspect Axe was now maneuvering the motorhome to the left with his left hand, while his right hand is moving toward his waistband or his side. [redacted] everything was happening very quickly and he was trying to process the whole picture. He said was thinking the suspect was going for a weapon he could use to fire on him or [redacted] In addition, [redacted] said Suspect Axe was now driving in the direction of [redacted]. [redacted] said he felt a threat to himself and [redacted] and [redacted] He said he believed their lives were in danger and he fired two rounds at Suspect Axe.

After he fired at Suspect Axe, [redacted] said the motorhome veered sharply to the left and plowed into a wall at the church. [redacted] said he moved to the center median area of the street keeping his weapon on the motorhome in case Suspect Axe came out. He said his vehicle was moved into the middle of the street by Sergeant Corrigan and he used it for cover.

[redacted] said he requested an emergency frequency with Carson Station through SCC, advised he had been in a shooting and requested additional units **(refer to the radio traffic Exhibit E)**. Once additional units arrived on scene, they planned to how they would go in the motorhome to take the suspect into custody or conduct a rescue. [redacted] said they were advised by the air unit overhead that the suspect was hunched over in the cab area of the motorhome. [redacted] said Arwen rounds were utilized in an effort to breech the rear window of the motorhome, but the rounds sailed upward and struck the air conditioning unit on the top. He said the pick and ram were then used to breech the door to the motorhome.

On Tuesday, November 5, 2013, [redacted] was interviewed by Sergeants Victor Allen and Catrina Khasaempanth of the Los Angeles County Sheriff Department's Internal Affairs Bureau (IAB). The IAB interview covered areas not covered in the Homicide interview. The interview was digitally recorded and transcribed. During the interview, [redacted] used the sketch that was produce by Scientific Services to illustrate his position. The sketch is attached to his transcripts. The following is a summary of [redacted] IAB interview.

[redacted] said when he responded to scene from his home. He was in communication with [redacted] and Sergeant Hanson while he was en route. Upon arriving at the location, he said he pulled up next to [redacted] truck. He said he confirmed with [redacted] that he had positively identified the person as Suspect Axe. [redacted] said he saw the suspect at the cargo compartments of the motorhome and he also identified him as Suspect Axe. He said he based his identification on the criminal history work-up, which contained photos of the suspect, he had reviewed prior to the surveillance operation **(Exhibit D)**.

[redacted] said he spoke to Sergeant Hanson, who authorized them to take Suspect Axe into custody. At that time, [redacted] said the suspect was still outside the motorhome. As they moved into position, he said the suspect had reentered the motorhome. [redacted] said when he blocked the motorhome in, he was going to exit his car and move to the number two lane Figueroa Street, as they typically train. However, he said he felt he would be struck by traffic if he moved in that direction, so he went toward the sidewalk.

From the sidewalk, [redacted] said he saw the suspect run to the rear door and locked it. He said the suspect returned to the driver's chair and placed the motorhome into reverse. [redacted] said he he was giving the suspect commands to stop and show his hands, when the suspect quickly backed up and slammed into [redacted] truck.

At the time [redacted] fired his weapon, he said he was about ten to fifteen feet away from the suspect. He said he felt [redacted] life was in danger and he was trying to stop the suspect's assault on him. By firing on the suspect [redacted] said he believed it would have prevented the suspect from using the motorhome as a weapon against [redacted] said there was not a cross fire situation with [redacted] because they were in a "V" configuration when he fired.

Miscellaneous

At the request of IAB Lieutenant Roderick Kusch, IAB Sergeant Victor Allen checked to see that Captain James Ritenour took reasonable steps to ensure that the involved parties and witnesses did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, as well as the involved parties and witnesses personnel did not collectively consult with their attorney or representative. In addition, Sergeant Allen checked to see if Captain Ritenour attempted to have the involved parties and witness personnel gather in the company of a supervisor until they have provided a statement to the assigned investigators.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

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March 12, 2013

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File # 12-0559
L.A.S.D File # 012-09191-1617-013

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 29, 2012, fatal shooting of Anthony Michael Axe by Los Angeles Sheriff's Department [redacted] We find that [redacted] acted lawfully in self defense and defense of others.

The District Attorney's Command Center was notified of the shooting on August 29, 2012 at approximately 7:21 p.m. The District Attorney Response Team, comprised of Deputy District Attorney Renee Chang and District Attorney Senior Investigator [redacted] responded and was given a briefing of the circumstances and a walk-through of the scene.

The following analysis is based upon reports prepared by the Los Angeles County Sheriff's Department (LASD), submitted to this office by Detective Todd Anderson, LASD Homicide Bureau. The voluntary statement of [redacted] was considered as part of this analysis.

FACTUAL ANALYSIS

LASD deputies from the Major Crimes Bureau (MCB) were attempting to locate and apprehend Anthony Michael Axe, a parolee-at-large, for questioning regarding a recent assault with a firearm case.[1] Axe was a known Victoria Park Loco gang member who was [redacted] He has [redacted]

[1] Axe's wallet and identification were found in a stolen Honda which was involved in a shooting. Immediately after the shooting, the Honda was involved in a collision, rendering it inoperable. The occupants of the Honda fled the scene.

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On August 29, 2012, in the late afternoon, Axe was seen driving an older model recreational vehicle (RV).[2] At approximately 6:00 pm., Axe parked the motor home in front of a RV store on Figueroa Street in the City of Carson and entered the store. [redacted] and other detectives from the MCB responded to that location to take Axe into custody.[3]

Axe exited the store and entered the RV through a door on the passenger side. [redacted] activated the police lights of his vehicle and parked behind the RV.[4] [redacted] drove his undercover vehicle, a black Ford Edge, to the front of the RV and parked it at an angle in front of the driver's side portion of the motor home.

[redacted] who had parked his car behind [redacted] vehicle, approached the driver's side of the RV on foot as [redacted] walked to the passenger side. With their service weapons drawn, [redacted] and [redacted] identified themselves as police officers and ordered Axe to stop and surrender.[5] Axe responded, "Fuck you." He immediately started the engine and drove the RV in reverse. The RV rammed into [redacted] vehicle, pushing it backwards.[6] [redacted] vehicle was moved far enough back that Axe had room to maneuver the RV from the curb, avoiding [redacted] vehicle.

Axe ignored the continued commands of the detectives to stop and began driving the RV to the left where [redacted] was standing. Axe's left hand was on the steering wheel. His right hand was down near his side and not visible. [redacted] ran toward the back of the RV to avoid being struck. From where he was standing, [redacted] was not able to see if [redacted] or [redacted] had been struck by the RV. In fear for his life and the lives of his fellow officers, [redacted] fired two rounds from his service weapon at Axe through an open passenger side window, striking him one time in the back and one time on the right side of his torso.[7]

The RV veered across the street and came to a stop when it struck a brick wall. Axe was subsequently taken into custody. Los Angeles County Fire Department paramedics arrived and transported Axe to Harbor General Hospital where he was pronounced dead by Dr. Christian Devirgilio.

Senior Deputy Medical Examiner James Ribe, M.D., performed the autopsy on Axe on December 13, 2012. Axe suffered two gunshot wounds, one to the back and one to the side of his torso.[8] Blood samples taken from Axe during the autopsy were analyzed and determined to contain

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[2] The RV was registered to [redacted] The relationship between [redacted] and Axe is unknown.
[3] The MCB detectives requested patrol deputies from Carson station to assist them with the arrest. However, Carson station deputies were unavailable because they were responding to another request for assistance regarding a deputy involved shooting.
[4] [redacted] was driving a silver Ford pick-up truck with flashing police lights in the grill, flashing headlights and police lights at the top of the windshield.
[5] [redacted] and [redacted] were dressed in green body armor that was clearly marked with LASD patches and insignia.
[6] [redacted] who was getting out of his vehicle, was able to run out of the way.
[redacted] was armed with a Heckler & Koch, model USP, 45 caliber, semiautomatic pistol.
[8] One round went through Axe's upper right arm before entering the right side of his torso.

methamphetamine. Dr. Ribe determined the cause of death to be from either gunshot wound to the torso.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears that the person claiming the right of self-defense or defense of others actually and reasonably believed that he was in danger of great bodily injury or death. People v. Randle (2005) 35 Cal.4th 987, 994 (overruled on another ground in People v. Chun (2009) 45 Cal.4th 1172, 1201); People v. Mercer (1962) 210 Cal.App.2d 153, 161.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent imminent injury. CALCRIM No. 3470.

"Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety." People v. Collins (1961) 189 Cal.App.2d 575.

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight....The calculus of reasonableness must embody allowance for the fact that police are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." Graham v. Conner, (1989) 490 U.S. 386, 396-397.

CONCLUSION

The evidence examined shows that [redacted] was aware that Axe was a parolee-at-large who was wanted for questioning regarding an assault with a firearm. When deputies attempted to arrest Axe, they identified themselves as officers and ordered him to surrender. Axe responded, "Fuck you," and immediately rammed the RV into [redacted] vehicle which was parked behind him. With his right hand down by his side and out of sight of the officers, Axe began driving the RV to the left toward [redacted] From his vantage point, [redacted] could not see if [redacted] or [redacted] had been struck by the RV. In fear for his life and the lives of his fellow officers, [redacted] responded with deadly force.

We find that [redacted] acted in lawful self-defense and defense of others when he used deadly force against Anthony Michael Axe. Therefore, we are closing out file and will take no further action in this matter.

Very truly yours,

JACKIE LACEY
District Attorney

By

RENEE CHANG
Deputy District Attorney
(213) 974-3888

c: [redacted], #[redacted]